

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.14377 of 2016

23.12.2016

Between:

Smt.Waheeda Begum and others

..Petitioners

And

The State of Telangana,
represented by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad and others

..Respondents

Counsel for the petitioners: Mr.M.V.Suresh

Counsel for respondent Nos.1 and 2: Government Pleader for Revenue (TS)

Counsel for respondent No.3: Government Pleader for Home (TS)

Counsel for respondent No.4: Mr.K.Maheswar Rao

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to declare the action of the respondents in trying to dispossess the petitioners from the dwelling houses constructed by them in plot No.260/A in survey No.55 of Adarshnagar, Uppal Kalas Village, Ranga Reddy District, pending determination of their rights in I.A.Nos.386 and 387 of 2014 in L.G.C.No.63 of 1998 on the file of the Special Court, Hyderabad under the Andhra Pradesh Land Grabbing (Prohibition) Act, as illegal and arbitrary.

2. As the aforementioned I.As. are pending in L.G.C.No.63 of 1998, we feel it inappropriate to render findings on merits. However, it needs to be noted that in pursuance of the directions issued by this Court, the Assistant Director/Inspector of Survey and Land Records, Medchal, Malkajgiri District, has submitted a report/letter, dated 01.12.2016, wherein, he has stated that he verified the boundaries of survey No.55 and localized plot No.260 as per layout and that there is no plot bearing No.260/A in the layout furnished by the petitioners. Though the petitioners have been claiming the ownership and possession of plot No.260/A, the report submitted by the Assistant Director, *prima facie*, negates their claim. However, we do not intend to render conclusive findings on this aspect, as the competent Court succeeded to be the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, shall decide on the correctness or otherwise of the survey report, dated 01.12.2016.

3. As we are not satisfied with the *prima facie* case pleaded by the petitioners and consequently, we do not find the balance of convenience in their favour, we are not inclined to grant any relief in this writ petition.

However, if the petitioners succeed in I.A.Nos.386 and 387 of 2014 in L.G.C.No.63 of 1998, they shall be entitled to restoration of possession.

4. Subject to the above observations, the Writ Petition is dismissed.

5. As a sequel to dismissal of the writ petition, W.P.M.P.Nos.17917 and 33088 of 2016 and W.V.M.P.No.2856 of 2016 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

23rd December, 2016
GHN

